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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,720	12/03/2001	Mark Alan Nierzwick	PU010260	1196

7590 06/27/2006

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EXAMINER	
O'STEEN, DAVID R	
ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 06/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/004,720	NIERZWICK ET AL.	
	Examiner	Art Unit	
	David R. O'Steen	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 December 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *03 December 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2-20-2002*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Note to Applicant

1. Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 1, 9, 12, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Herrington (US 6,922,843).

As regards Claims 1 and 12, Herrington discloses a method and apparatus for operating an apparatus having parental controls (col. 1, lines 60-65), comprising steps of: providing access to the parental controls of the apparatus (fig. 2.104, and col. 10, lines 16-26); determining whether at least one setting of the parental controls is changed during the access (for example, by detecting if the "Accept New Codes" button is selected, fig. 3.122 and col. 10, lines 57-59); and providing a notification to a user when at least one setting of the parental controls is changed during the access (fig. 3.124 and col. 10, lines 60-61).

As regards Claims 9 and 20, Herrington discloses that the access to the parental controls of the apparatus is provided in response to a password input (col. 10, lines 23-27).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-3 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington (US 6,922,843) in view of Maissel (US 6,637,029).

As regards Claims 2 and 13, while Herrington does disclose the method and apparatus of Claims 1 and 12, he fails to disclose that the notification is provided to the user via an electronic mail message. Maissel discloses that the notification is provided to the user via an electronic mail message (col. 8, lines 59-64).

At the time of the invention, it would have been obvious to a person skilled in the art to combine the email notification of Maissel with the parental controls of Herrington so as to easily provide the authorized user with a message that system's settings have been altered.

As regards Claims 3 and 14, while Herrington and Maissel disclose the method and apparatus of Claims 2 and 13, as well as that the electronic mail message is sent to a predetermined electronic mail address. Herrington further discloses that some

parameters in the parental control system may be fixed (col. 15, lines 49-51). It would have been obvious to a person skilled in the art to make the method of notification, in this case email, one such fixed parameter in the parental controls system to make the system more tamper-proof.

Claims 4 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington (US 6,922,843) in view of Davis (US 5,822,123).

As regards Claims 4 and 15, while Herrington discloses the method and apparatus of Claims 1 and 12, he fails to disclose that the notification is provided via a message stored in a memory of the apparatus which is retrievable by the user. Davis discloses that the notification is provided via a message stored in a memory of the apparatus which is retrievable by the user (any notice which can be viewed must be stored, even if only for a short period, in a memory of the apparatus, fig. 27, and col. 21, lines 35-56).

At the time of the invention, it would have been obvious to a person skilled in the art to combine the message notification of Davis, an analogous art, with the parental controls of Herrington so as to easily provide the authorized user with a message that system's settings have been altered.

Claims 5 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington (US 6,922,843) in view of Kimball (US 6,704,031) and in further view of Brontz (US 6,374,404).

As regards Claims 5 and 16, while Herrington discloses the method and apparatus of Claims 1 and 12, he fails to disclose that the notification indicates a date when the at least one setting of the parental controls is changed. Kimball discloses that the notification indicates a time when the at least one setting of parental controls is changed (col. 14, lines 18-22 and lines 26-32 and col. 15, lines 13-17) but fails to disclose that the time also includes the date.

At the time of the invention, it would have been obvious to a person skilled in the art to combine the time stamping of Kimball, an analogous art, with the parental controls of Herrington so as to provide the time the changes were made to the parental controls

Brontz discloses that the timestamp includes the date (col. 10, lines 37-41).

At the time of the invention, it would have been obvious to a person skilled in the art to combine the date of Brontz, an analogous art, with the time stamped parental controls of Herrington and Kimball so as to provide the user with the date when the parental control changes were made.

As regards Claims 6 and 17, Kimball discloses that the date indicated in the notification cannot be changed through access to the parental controls (the host server provides the timestamp, col. 14, lines 18-22, and the host server settings cannot be changed through parental controls or any other UI toolbar, see Table 1.)

As regards Claims 7 and 18, Kimball further discloses that the notification indicates a time when at least one setting of the parental controls is changed (col. 14, lines 18-22).

As regards Claims 8 and 19, Kimball discloses that the time indicated in the notification cannot be changed through access to the parental controls (the host server provides the timestamp, col. 14, lines 18-22, and the host server settings cannot be changed through parental controls or any other UI toolbar, see Table 1).

Claims 10 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington (US 6,922,843) in view of Yuen (US 5,949,471).

As regards Claims 10 and 21, while Herrington discloses the method and apparatus of Claims 9 and 20, he fails to disclose providing a second notification to the user in response to a predetermined number of invalid password input attempts. Yuen discloses providing a second notification to the user in response to a predetermined number of invalid password input attempts (fig. 11, and col. 13, lines 35-41).

At the time of the invention, it would have been obvious to a person skilled in the art to combine the message of Yuen, an analogous art, with the parental controls of Herrington so as to alert the user that an unauthorized user was attempting to access the parental settings.

Claims 11 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington (US 6,922,843) in view of Yuen (US 5,949,471) and in further view of Maissel (US 6,637,029).

As regards Claims 11 and 22, while Herrington and Yuen jointly disclose the method and apparatus of Claims 10 and 21, they fail to disclose that the second

notification is provided to the user via an electronic mail message. Maissel discloses the second notification is provided to the user via an electronic mail message (col. 8, lines 59-64).

At the time of the invention, it would have been obvious to a person skilled in the art to combine the email notification of Maissel with the parental controls of Herrington and Yuen so as to easily provide the authorized user with a message that someone has tried to access the system's parental control settings.

As regards Claim 23, Herrington discloses a method for operating an apparatus having parental controls, comprising steps of; detecting when a rating level corresponding to a reproduction exceeds a rating level corresponding to a parental control setting (such as determining when a program has been put on a parental control list, fig. 33.364 and col. 20, lines 55-58); providing a notification (fig. 3.124 and col. 10, lines 60-61) to a user without blocking the reproduction when the rating level corresponding to the reproduction exceeds the rating level corresponding to the parental control setting (such as by keeping track of content accessed that has been put on a parental control list, fig. 33.366 and col. 20, lines 57-60). It would have been obvious for Herrington's system to provide a notification instead of tracking tab (fig. 34.372) so that the user is immediately alerted to another user's television habits.

As regards Claim 27, Herrington further discloses that the reproduction is a television program (such as "Seinfeld," fig. 34).

Claims 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington (US 6,922,843) in view of Maissel (US 6,637,029).

As regards Claims 24, while Herrington does disclose the method and apparatus of Claims 23, he fails to disclose that the notification is provided to the user via an electronic mail message. Maissel discloses that the notification is provided to the user via an electronic mail message (col. 8, lines 59-64).

At the time of the invention, it would have been obvious to a person skilled in the art to combine the email notification of Maissel with the parental controls of Herrington so as to easily provide the authorized user with a message that system's settings have been altered.

As regards Claims 25, while Herrington and Maissel disclose the method and apparatus of Claims 23, as well as that the electronic mail message is sent to a predetermined electronic mail address. Herrington further discloses that some parameters in the parental control system may be fixed (col. 15, lines 49-51). It would have been obvious to a person skilled in the art to make the method of notification, in this case email, one such fixed parameter in the parental controls system to make the system more tamper-proof.

Claims 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herrington (US 6,922,843) in view of Davis (US 5,822,123).

As regards Claims 26, while Herrington discloses the method of Claim 23, he fails to disclose that the notification is provided via a message stored in a memory of the

apparatus which is retrievable by the user. Davis discloses that the notification is provided via a message stored in a memory of the apparatus which is retrievable by the user (any notice which can be viewed must be stored, even if only for a short period, in a memory of the apparatus, fig. 27, and col. 21, lines 35-56).

At the time of the invention, it would have been obvious to a person skilled in the art to combine the message notification of Davis, an analogous art, with the parental controls of Herrington so as to easily provide the authorized user with a message that system's settings have been altered.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R. O'Steen whose telephone number is 571-272-7931. The examiner can normally be reached on 8:30 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DRO

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